

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT:

Public Services – Disciplinary action initiated against Sri S. Padmakara Rao, the then, Agriculture Officer, Sale Point Venkatachalam, Nellore District on the basis of audit paras-I-III for the period from 1.4.1984 to 31.3.1985 – Case entrusted to Tribunal for Disciplinary Proceedings – Report of Tribunal for Disciplinary Proceedings considered – Further action – Dropped Orders – Issued.

AGRICULTURE AND COOPERATION(VIG-1) DEPARTMENT

G.O.RT.No. 4

Dated:05-01-2015.

Read the following -

- 1.From the C&DA, A.P., Hyderabad, Lr.No.Esst.IV(1)/219/87,dt:19.8.1988.
2. Proceedings of the C&DA, A.P., Hyderabad, No. Estt.IV(1)/219/87,dt:25-08-1989.
- 3..Proceedings of the C&DA, A.P., Hyderabad, No. Estt.IV(1)/219/87,dt:4.5.1991.
4. G.O.Rt.No.328, Agri & Coop (Agri.I) Dept., Dated:26-08-1997.
- 5.The orders of the Hon'ble Tribunal in O.A.No.6611/97 filed by Sri S.Padmakara Rao, the then A.O.
- 6.G.O.Ms.No.29, A&C (Agri.I) Dept., Dated: 9-2-1999.
- 7.Govt Memo.No.22342/Vig.I(1)97-21, Dated: 27.5.2002.
8. Report of TDP, TEC No.114 of 2004, dated:19-04-2007.
- 9.Govt Memo. No.22342/Vig.I(1)/97-30, Dated:18-4-2008.
10. Reprn. from Sri S. Padmakara Rao,1.8.2008 with it enclosures.

ORDER:-

In the letter 1st read above the Commissioner and Director of Agriculture, A.P., Hyderabad has reported that certain audit objections were noticed into the accounts of Sale Point, Venkatachalam, Nellore District for the period from 1-4-1984 to 31-3-1985. In the audit report certain grave irregularities were pointed out resulting in loss to Govt. Sri S.Padmakar Rao, was the A.O., Sale Point, Venkatachalam during the period under audit. The JDA, Nellore was appointed as Inquiry Officer. The Inquiry Officer has submitted his exparte inquiry report . The Commissioner and Director of Agriculture, Hyderabad observed that the Inquiry Officer has not correctly mentioned the exact loss sustained to Government pointed out under audit paras IV to XIV, besides losses to be assessed under para - XIV. Hence the C&DA., has divided the case in two parts as follows:

- a.Audit Paras I to III as Part I
 - b.Audit paras IV to XIV as part II.
2. The C&DA has submitted the report to Govt in respect of Audit Paras I to III, that the charges leveled against Sri S. Padmakara Rao, Agriculture Officer, Sale Point, Venkatachalam, Nellore District are grave in nature and it warrants major punishment.
 3. In the ref. 2nd read above the Commissioner and Director, Hyderabad appointed the D.D.A. (FTC), Nellore as Enquiry Officer for conducting further enquiry in to the charges in respect of Audit Paras IV to XIV.
 4. In the ref. 3rd read above, the Commissioner and Director, Hyderabad was finalized the disc proceedings in respect of Audit Paras-IV to XIV and imposed the penalty of stoppage of two increments with cumulative effect besides recovery of Rs.7,700-65 on Sri S. Padmakara Rao, Agriculture Officer.
 5. The Government in the G.O.4th read above have imposed the penalty of dismissal from service besides recovery of misappropriation of money Rs.48,887/- against Sri S. Padmakara Rao, the then A.O. Sale Point Venkatachalam, Nellore District. Aggrieved with the orders issued in the G.O. 4th read above, Sri S. Padmakara Rao, A.O. filed

(P.T.O)

O.A.No.6611/97 in the Hon'ble A.P.A.T. The Hon'ble A.P.A.T. in its order dt. 12-8-1998 has set aside the dismissal orders on the ground that the case was not entrusted to TDP as per rules and also observed that and it is to open to the respondents to take further action in accordance with rules, if they so desire. It is further ordered by the APAT that if the applicant was under suspension before his dismissal, he will continue under suspension as impugned order of dismissal has been set aside. The individual was consequently reinstated into service vide G.O. 5th read above.

6. The case was entrusted to the Tribunal for Disciplinary Proceedings to Inquiry into the allegations of misappropriation against Sri S. Padmakara Rao former A.O. Sale point of Venkatachalam, Nellore Dist. vide Memo. 7th read above.

7. In the ref. 8th read above, the Tribunal for Disciplinary Proceedings, Hyderabad has submitted its report through which is is noticed that the C.O. remitted a sum of Rs.56,587-65 ps for the irregularities found in enquiry report. However, the prosecution established the charges leveled against the charged officer.

8. In the Memo. 9th above, the Enquiry Report has been communicated to the Charged Officer as required under the Rules. He represented and requested to drop further action on the ground that the audit paras were already dropped. He was already punished by stoppage of two increments with cumulative effect and the proposed punishment amounts to double Jeopardise on the same set of charges.

9. The Government have examined the issue carefully, keeping in view of the legal advice based on the judgments of Supreme Court of India in two case law's i.e.1 State of A.P. Vs. N. Radhakishan, AIR 1998 SC 1833, and 2) P.V. Mahadevan Vs. MD, T.N.Housing Board, 2005 (6) SCC 636 and hereby drop further action against Sri S. Padmakara Rao, Agriculture Officer, Sale Point, Venkatachalam, Nellore District as a special case.

10. The Commissioner and Director of Agriculture, A.P., Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA

PRINCIPAL SECRETARY TO GOVERNMENT

To

The individual through C&DA, Hyderabad.

The Commissioner and Director of Agriculture, A.P., Hyderabad.

Copy to: The Secretary, A.P. V.C.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER

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